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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,906	06/23/2003	Keith E. Moore	200208772-1	7574

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EXAMINER

FRANKLIN, RICHARD B

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,906	Applicant(s) MOORE, KEITH E.	
	Examiner Richard Franklin	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Fritz Fleming
FRITZ FLEMING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 41 are pending.

Response to Arguments

2. Applicant's arguments filed 04 August 2006 have been fully considered but they are not persuasive.

Applicant has argued that the relied upon reference, US Patent No. 6,988,074 (hereinafter Koritzinsky) does not teach the pressing of a physical external button, and only teaches the use of a graphical button. However, the Examiner submits that it is common in the computer and electronic device art to use a graphical button instead of a physical external button to accomplish a task, because it reduces the cost of the total system. Also, the Examiner submits that with the use of the graphical button, Koritzinsky inherently teaches the use of a mouse or other pointing device to select the graphical button. Pressing one of the physical buttons on the pointing device starts the desired action. Therefore, the physical button of the pointing device is the physical external button. US Patent No 6,918,091 (hereinafter Leavitt) is relied upon as intrinsic evidence that the use of graphical buttons inherently teach the use of a pointing device with a physical external button (Leavitt; Col 5 Lines 52 – 59).

Applicants also argues that the body of the claim does not need to refer to the preamble in order to have proper antecedent basis because the preamble of the claim recites only intended use of the independent claims. Applicant also refers to MPEP

2111.02 (II). However, the Examiner submits that MPEP 2111.02 (II) recites how to interpret a claim preamble that recites intended use and gives guidance on the patentable weight of such a preamble. MPEP 2111.02 (II) does not remove the requirement of proper antecedent basis for the body of the claim when the preamble of the claim only recites intended use. Therefore, the rejection under 35 USC 112 2nd Paragraph presented in the previous office action is maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1, 27, 32, and 38 recite the limitation "a printer" in the body of each claim. There is insufficient antecedent basis for this limitation in the claims. It is not clear if the limitation is referring to the printer that was recited in the preamble of the claims or a new printer.

The Examiner has interpreted the limitation to refer to the printer as recited in the preamble of the claims.

5. Claims 1, 27, and 32 recite the limitation "a remote support location" in the body of each claim. There is insufficient antecedent basis for this limitation in the claims. It is

not clear if the limitation is referring to the remote support location that was recited in the preamble of the claim or a new remote support location.

The Examiner has interpreted the limitation to refer to the remote support location that was previously recited in the preamble of the claims.

6. Claim 33 recites the limitation "a remote location" in lines 8 and 9 of the claim. There is insufficient antecedent basis for this limitation in the claim. It is not clear if the limitation is referring to the remote support location that was recited in the preamble of the claim or a new remote location.

The Examiner has interpreted the limitation to refer to the remote support location that was previously recited in the preamble of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 2, 4 – 5, 7, 10 – 11, 18, 21 – 23, 25 – 28, 32 – 35, 38, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,988,074 (hereinafter Koritzinsky).

As per claims 1, 27, and 32 – 33, Koritzinsky teaches receiving an affirmative request for assistance from a user of a printer (Figure 13 Item 282); said request having been triggered by the user engaging a button on the printer (Figure 8 Item 216, Col 13 Lines 55 – 58); generating and transmitting a request for assistance to a remote support location in response to the users request (Figure 12 Item 268, Figure 13 Item 306, Col 16 Line 44); and providing an indication to the user that a request for assistance has been transmitted (Figure 6 Item 190, Col 14 Lines 47 – 51, Col 16 Lines 46 – 53).

As per claims 2 and 34, Koritzinsky teaches verifying authorization of the user (Figure 12 Item 254, Col 15 Lines 54 – 65).

As per claims 4 and 5, Koritzinsky teaches wherein the verification occurs at the printer or the remote location (Col 22 Lines 27 – 29).

As per claims 7, 28, and 35, Koritzinsky teaches receiving a response from the remote location (Figure 6 Item 190, Col 14 Lines 47 – 51, Col 16 Lines 46 – 53); and conducting an interactive communication between the user and the remote location (Col 17 Lines 44 – 49).

As per claims 10 and 41, Koritzinsky teaches wherein the interactive communication includes allowing the remote location to interrogate the printer (Col 18 Lines 2 – 5).

As per claim 11, Koritzinsky teaches wherein the interactive communication includes establishing a service call (Col 18 Lines 6 – 10).

As per claim 18, Koritzinsky inherently teaches wherein the remote location includes a service establishment independent from the owner of the printer because Koritzinsky refers to service contracts between the printer and remote location and fees that apply to the service (Col 21 Lines 23 – 39). Since the printer must pay the remote location for service, it is inherent that independent owners own the printer and remote location.

As per claim 21, Koritzinsky teaches wherein the request includes information pertaining to characteristics of a print job being processed (Col 13 Lines 43 – 49, Col 17 Lines 56 – 58).

As per claim 22, Koritzinsky teaches wherein the request includes information pertaining to the physical status of the printer (Col 13 Lines 2 – 28).

As per claim 23, Koritzinsky teaches wherein the request includes identification information of the printer (Col 16 Lines 28 – 31).

Art Unit: 2181

As per claim 25, Koritzinsky teaches where communications are performed using telephone communications (Koritzinsky; Col 18 Lines 6 – 10). Speaking on the telephone is an audio communication.

As per claim 26, Koritzinsky teaches wherein the remote location is protected by a firewall (Figure 4 Item 138, Col 7 Lines 18 – 22, Col 9 Lines 39 – 41).

As per claim 38, Koritzinsky teaches receiving an affirmative request for assistance from a user of a printer (Figure 13 Item 282); said request having been triggered by the user engaging a button on the printer (Figure 8 Item 216, Col 13 Lines 55 – 58); and establishing an interactive communication over a communications network with the user at the printer (Col 17 Lines 44 – 49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 9, 30, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of Microsoft Computer Dictionary Fifth Edition (hereinafter Microsoft).

As per claim 3, Koritzinsky teaches the communications system as described per claim 1 (see rejection of claim 1 above).

Koritzinsky does not teach wherein user authorization includes biometric authentication.

However, Microsoft teaches biometric authentication as a way to recognize the identity of an individual (Microsoft; Page 59 – 60, Biometric definition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include biometric authorization because doing so allows for the system to have the highest level of security (Microsoft; Page 59 – 60, Biometric definition).

As per claims 9, 30, 36, and 40, Koritzinsky teaches the communications system as described per claims 7, 27, 33, and 38 above (see rejection of claims 1, 7, 27, 33,

and 38 above). Koritzinsky teaches where interactive communications is performed using telephone communications (Koritzinsky; Col 18 Lines 6 – 10).

Koritzinsky does not teach wherein the interactive communication is performed using Voice over IP (VoIP).

However, Microsoft teaches using VoIP as an alternative to telephone communications (Microsoft; Page 557, VoIP definition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to use VoIP because doing so is an inexpensive alternative to traditional telephone communications (Microsoft; Page 557, VoIP Definition).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of US Patent No. 6,862,583 (hereinafter Mazzagatte).

As per claim 6, Koritzinsky teaches the system of claim 1 (see rejection of claim 1 above).

Koritzinsky does not teach wherein the remote location is a computer that sends a print job to the printer; that the print job is suspended until the user is physically at the printer; and that the request for assistance includes a verification that the user is physically at the printer.

However, Mazzagatte teaches a secure printing system in which print jobs are suspended until the user is physically at the printer (Mazzagatte; Col 9 Lines 32 – 35);

Art Unit: 2181

the user of a printer is authenticated (Mazzagatte; Figure 7A Items S701 – S703, Col 10 Lines 65 – 67); sending a request for assistance to a print node (Mazzagatte; Figure 1 Item 40) that verifies that the user is at the printer (Mazzagatte; Figure 7A Item S705); receiving a print job for the user from the print node (Mazzagatte; Figure 7A Item S710).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include secure printing because doing so would allow the user to print confidential information on a network printer over a network and prevent unauthorized viewing of the printout (Mazzagatte; Col 1 Lines 17 – 21).

10. Claims 8, 12, and 14 – 16, 29, 31, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of US Patent Application Publication No. 2002/0140966 (hereinafter Meade).

As per claims 8, 29, and 39, Koritzinsky teaches the system of claims 1, 7, 27, 28, and 38 (see rejection of claims 1, 7, 27, 28, and 38 above).

Koritzinsky does not teach wherein the interactive communication is conditioned on authorization of the remote location.

However, Meade teaches authorizing the remote location before communications are executed (Meade; Paragraph [0045] Lines 2 – 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include the

remote location authorization because doing so allows the user to decide to communicate with the remote location or not.

As per claims 12, 31, and 37, Koritzinsky teaches the system of claims 1, 27, and 33 (see rejection of claims 1, 27, and 33 above).

Koritzinsky does not teach wherein the printer acts as a gateway to at least another device that is connected to it; and the request includes information of the other device.

However, Meade teaches wherein the printer (Meade; Figure 3 Item 302) acts as a gateway to a host computer (Meade; Figure 3 Item 304); and the request includes information about the host computer (Meade; Paragraph [0045] Lines 2 – 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include the gateway because doing so allows for the other device to send information to the remote location.

As per claim 14, Meade also teaches wherein the other device is a consumer electronic device (Meade; Figure 3 Item 304 [computer]).

As per claim 15, Meade also teaches receiving requested information in response to a user-initiated download request (Meade; Paragraph [0056]).

As per claim 16, Meade also teaches where the other device is a computer (Meade; Figure 3 Item 304); and receiving an updated driver for the computer and sending the driver to the computer (Meade; Figure 4 Item 426).

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of US Patent Application Publication No. 2002/0140966 (hereinafter Meade) and further in view of Microsoft Computer Dictionary Fifth Edition (hereinafter Microsoft).

As per claim 13, Koritzinsky in combination with Meade teaches the system as described per claim 12 (see rejection of claim 12 above).

Koritzinsky in view of Meade does not teach that the other device is a print spooler.

However, Microsoft teaches attaching a print spooler to a printer to feed the printer jobs (Microsoft; Page 421 – 422, Print Spooler definition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky in combination with Meade to include the print spooler because doing so allows a print job to be held until the printer is ready for it (Microsoft; Page 421 – 422, Print Spooler definition).

12. Claims 17, 19 – 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,988,074 (hereinafter Koritzinsky) in view of US Patent No. 6,876,819 (hereinafter Sawada).

As per claim 17, Koritzinsky teaches the communications system as described per claim 1 above (see rejection of claim 1 above).

Koritzinsky does not teach wherein before transmitting, the system attempts to locally resolve a problem at the printer; and transmitting the service request in response to a failure of local resolution.

However, Sawada teaches waiting a predetermined time period to transmit a service request in which the user can attempt to resolve the error at the printer. If the error is not resolved after the time period, the service request is transmitted to the service center (Sawada; Col 7 Lines 9 – 35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include attempting to solve the problem locally because doing so allows the user to quickly resolve minor errors in the system without calling for help from the support center (Sawada; Col 11 Lines 15 – 27).

As per claims 19 and 20, Koritzinsky teaches implementing the system of claim 1 in a medical scanner (see rejection of claim 1 above).

Koritzinsky does not teach implementing the system in a facsimile machine or a copier.

Sawada teaches implementing a service call system in a copier and facsimile machine (Sawada; Col 4 Lines 18 – 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to be implemented in a copier or facsimile machine because all of them have an image forming device that requires frequent maintenance (Applicants Admitted Prior Art; Specification Page 1 Lines 1 – 2).

As per claim 24, Koritzinsky teaches the communications system as described per claim 1 above (see rejection of claim 1 above).

Koritzinsky does not teach wherein the system provides an indication of unavailability while the printer remains out of service.

However, Sawada teaches providing an indication of unavailability while the printer remains out of service (Sawada; Col 4 Lines 38 – 44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Koritzinsky to include an indication of unavailability because doing so clearly notifies the user of the occurrence of an error (Sawada; Col 4 Lines 38 – 44).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent No. 6,918,091 – Describes pressing a physical external button in connection with a graphical button.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Franklin whose telephone number is (571) 272-0669. The examiner can normally be reached on M-F.

Art Unit: 2181

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz Fleming can be reached on (571) 272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard Franklin
Patent Examiner
Art Unit 2181

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10/6/2006